THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.24054 OF 2007

DATED: 15-11-2007

BETWEEN

Chennupati Somaiah,
S/o. Lakshmaiah,
H.No.9-17-7, Government
Hospital Road, Chirala,
Prakasam District and others.

...PETITIONERS

AND

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration,
Secretariat, Hyderabad and
another.

...RESPONDENTS

ORDER:

Petitioners submit that they are the owners of the houses mentioned in the cause title situated at Government Hospital Road, Chirala, Prakasam District. While so, the Municipal Commissioner, Chirala Municipality issued notice dated 23.07.2007 stating that road widening programme has been taken up and the sites of the petitioners are required for road widening and called upon them either to avail the benefits of G.O.Ms.No.15, M.A. dated 15.01.1998 or to file objections for taking away portions of their structures or land for the purpose of road widening. Petitioners further submit that they filed objections contending that without paying compensation for the structures as well as the land, their properties cannot be taken away.

2. Heard the learned counsel for the petitioners as well the learned

standing counsel appearing for the respondents.

3. If the petitioners are not inclined to avail the benefits as contemplated in G.O.Ms.No.15 dated 15.01.1998 for the structures as well as the land that is sought to be taken away for road widening,

I am of the opinion that the only course open to the respondents is to take appropriate action under Sections 172 and 174 of the Andhra Pradesh Municipalities Act, 1965; but without following due process prescribed in law the petitioners cannot be dispossessed from their properties in question.

The writ petition is accordingly disposed of directing the respondents not to dispossess or take away any portion of the structures or land of the petitioners in any manner without following due process of law. There shall be no order as to costs.

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V. ESWARAIAH, J

November 15, 2007

Note: Furnish C.C. of the order by 17.11.2007

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DSK